

Serial No. 09/973,911
Amendment dated May 20, 2003
Reply to Office Action of August 20, 2003

Docket No. MRE-0034

REMARKS

Claims 7-31 are pending in this application. By this Amendment, the abstract and specification are amended, claims 1-6 are canceled and new claims 7-31 are added. The specification and abstract have been amended for clarification purposes and contain no new matter. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

I. DRAWINGS

A corrected formal version of Figure 3 is filed herewith. Accordingly, it is respectfully requested that the objection to the drawings be withdrawn.

II. OBJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

The Office Action objects to the specification under 35 U.S.C. §112, first paragraph, which requires that the specification be written in full, clear, concise and exact terms. The informalities have been corrected in the substitute specification filed herewith. A marked-up copy of the original specification is also enclosed for the Examiner's convenience. Accordingly, it is respectfully submitted that the specification meets the requirements of 35 U.S.C. §112, first paragraph, and thus the objection should be withdrawn.

III. REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Office Action rejects claims 2-5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which

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applicant regards as the invention. Claims 2-5 have been cancelled. Accordingly, the rejection of claims 2-5 is moot. However, the Examiner's comments have been considered in drafting new claims 7-31.

IV. REJECTION UNDER 35 U.S.C. §103(a)

The Office Action rejects claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over Missing, U.S. Patent No. 5,632,594 (hereinafter "Missing") in view of Kieronski et al., U.S. Patent No. 4,099,609 (hereinafter "Kieronski"), Ashlock Jr., U.S. Patent No. 7,878,788 (hereinafter "Ashlock"), and Yutaka et al., U.S. Patent No. 6,074,158 (hereinafter "Yutaka"). Claims 1-6 have been canceled, and thus the rejection is moot. For the reasons set out below, it is respectfully submitted that new claims 7-31 are allowable over the references of record.

Independent claim 7 recites, *inter alia*, a carrier positioned adjacent to a lower edge of the loading plate, wherein the carrier is configured to receive a plurality of sleeves provided by the loading plate, and to transport the plurality of sleeves to a transfer area at an upper portion of the carrier; and a guide proximate to the transfer area, wherein the guide is configured to sequentially align and to transfer the plurality of sleeves to a loading area of the device testing apparatus. Missing neither discloses nor suggests such features. That is, Missing discloses an ordering machine M for ordering and conveying textile tubes 5 to a continuous spinning machine C. Missing's ordering machine M has two identical and parallel vertical conveyor belts 2 and 2' driven by individual drive means 3 and 3'. Textile tubes 5 are loaded from a hopper 1 at the bottom of the ordering machine M onto tube holders 4 of the conveyor belts 2 and 2'.

The conveyor belts 2 and 2' move along a rear wall of the ordering machine M adjacent to the front wall of the spinning machine C, and elevate the tubes 5 to an end of the conveyor belts 2 and 2' remote from the hopper 1, where they are conveyed by guides 7 to a bottom discharge means 8 of the ordering machine M and fed to the spinning machine C.

The guides 7 are positioned adjacent and laterally to the conveyor belts 2 and 2', and extend along the back length of the ordering machine M all the way to the bottom discharge means 8. As shown in Figure 3, the graduated positioning of the guides 7 serves to properly align the tubes 5, and the guides 7 work in conjunction with the tube holders 4 and rear covers 14 and 14' of the ordering machine M to establish and maintain this alignment as the tubes 5 are conveyed to the bottom discharge means 8. Missing's design requires that the tubes 5 travel substantially the entire loop formed by the conveyor belts 2 and 2' in order to ensure proper alignment of the tubes 5 before reaching the bottom discharge area 8, and does not allow for properly aligned discharge of the tubes 5 at an upper end of the conveyor belts 2 and 2'.

The carrier and guide of claim 7 are configured such that the plurality of sleeves are transported to a transfer area at an upper portion of the carrier, where they are then sequentially aligned and transferred to a loading area by the guide. The plurality of sleeves aligned and transferred by the claimed carrier and guide are aligned and transferred at a transfer area at an upper portion of the carrier, and it is not necessary that they travel substantially the entire loop formed by the conveyor belts in order to be properly aligned and discharged at a bottom discharge area, as taught by Missing. Thus, Missing neither discloses nor suggests such features.

Further, Kieronski and Ashlock fail to overcome the deficiencies of Missing, as Kieronski and Ashlock are merely cited to teach the use of a rotary return means. Likewise, Yutaka fails to overcome the deficiencies of Missing, Kieronski and Ashlock, as Yutaka is merely cited to teach the use of the claimed apparatus in a testing apparatus.

Accordingly, it is respectfully submitted that independent claim 7 is allowable over the applied combination of references. Dependent claims 8-20 are allowable at least for the reasons discussed above with respect to independent claim 7, from which they ultimately depend, as well as for their added features.

Independent claim 21 recites, *inter alia*, a carrier fitted adjacent a lower edge of the sloped loading plate, wherein the carrier is configured to receive a plurality of sleeves provided by the sloped loading plate; and to transport the plurality of sleeves to a transfer area at an upper portion of the carrier; and a guide proximate to the transfer area, wherein the guide is configured to sequentially align and transfer the plurality of sleeves to a loading area of the device testing apparatus. For all the reasons explained above, Missing neither discloses nor suggests such features. Further, Kieronski and Ashlock fail to overcome the deficiencies of Missing.

Accordingly, it is respectfully submitted that independent claim 21 is allowable over the applied combination of references. Dependent claims 22-31 are allowable at least for the reasons discussed above with respect to independent claim 21, from which they ultimately depend, as well as for their added features.

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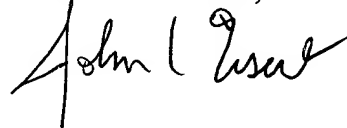
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V. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carol L. Druzbeck, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



John C. Eisenhart
Registration No. 38,128
Carol L. Druzbeck
Registration No. 40,287

Enclosures: Substitute Abstract
Substitute Specification
Mark-up of original specification
Corrected Figure 3

P.O. Box 221200
Chantilly, VA 20153-1200
703 502-9440 JCE:JKM/kam:jljg
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